

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALBERT WHIPKEY, on behalf of)
himself and all others similarly situated,)

Plaintiffs,)

v.)

R. R. DONNELLEY & SONS COMPANY,)

Defendant.)

and

MICHAEL ADAMS et al.,)

Plaintiffs,)

v.)

R.R. DONNELLEY & SONS COMPANY,)

Defendant.)

CASE NO: 1:02CV1030

JUDGE O'MALLEY

JOINT MOTION AND STIPULATION
TO CONSOLIDATE CASES AS A
COLLECTIVE ACTION

CASE NO: 1:05CV2760

We, the undersigned attorneys for the Plaintiffs and Defendants in the cases of *Albert Whipkey, on behalf of himself and all others similarly situated v. R. R. Donnelley & Sons Company*, 1:02CV1030, filed May 31, 2002, and *Michael Adams et al., v. R. R. Donnelley & Sons Company*, 1:05CV2760, filed November 29, 2005, hereby respectfully move this Court for an order consolidating the above referenced cases for the reason that the parties have reached a proposed settlement of both actions and are hereby stipulating to the consolidation of these cases

as a Collective Action in accordance with the terms and conditions of said settlement in order to facilitate an orderly settlement process.

In addition, the parties request a telephonic status conference consistent with the consolidation of these actions to schedule the filing and hearing of all matters necessary to accomplish the proposed settlement.

A proposed Order is attached for consideration by the Court.

Respectfully submitted,

s/Michael G. Cleveland w permission
MICHAEL G. CLEVELAND
JOSEPH K. MULHERIN
SARAH M. BROWN
Vedder, Price, Kaudman & Kammholz, P.C.
222 North LaSalle Street, Suite 2600
Chicago, Illinois 60601-1003
(312) 609-7500
(312) 609-5005 (fax)
mcleveland@vedderprice.com
jmulherin@vedderprice.com
sbrown@vedderprice.com

s/Louis J. Licata
LOUIS J. LICATA (0007034)
THOMAS A. AMATO (00575563)
Licata & Associates Co., L.P.A.
6480 Rockside Woods Blvd. South #390
Independence, Ohio 44131
Phone: (216) 573-6000
Fax: (216) 573-6333
Email: ljl@licatalaw.com
tsa@licatalaw.com

STEVEN SFERRA (0037286)
TIMOTHY S. ANDERSON (0071593)
Duvín, Cahn & Hutton
Erievue Tower, 20th Floor
1301 East Ninth Street
Cleveland, Ohio 44114
(216) 696-7600
(216) 696-2038 (Fax)
ssferra@duvin.com
tanderson@duvin.com

DAVID T. REED (0029430)
KEITH A SAVIDGE (0014242)
Seeley, Savidge & Ebert Co., L.P.A.
800 Bank One Center
600 Superior Avenue, East
Cleveland, Ohio 44114
Phone: (216) 566-8200
Fax: (216) 566-0213
Email: dtreed@sse-law.com
kasavidge@sse-law.com

Attorneys for Defendant
R. R. Donnelley & Sons Company

Attorneys for Plaintiffs
Michael Adams et al. and
Albert Whipkey, for himself and all
others similarly situated.

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2006, a copy of *Joint Stipulation To Consolidate Cases As A Collective Action* was filed electronically with the Court. Notice of this filing will be sent to all parties by operation of the Court's Electronic filing system. Parties may access this filing through the Court's system.

/s/ Louis J. Licata
Louis J. Licata

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALBERT WHIPKEY, on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

R. R. DONNELLEY & SONS COMPANY,

Defendant.

and

MICHAEL ADAMS et al.,

Plaintiffs,

v.

R.R. DONNELLEY & SONS COMPANY,

Defendant.

) CASE NO: 1:02CV1030
)
)

) JUDGE O'MALLEY
)
)

) **ORDER OF CONSOLIDATION**
) **AS A COLLECTIVE ACTION**
)
)

) CASE NO: 1:05CV2760
)
)

)
)
)

)
)
)

)
)
)

)
)
)

In accordance with the Joint Stipulation To Consolidate Cases As A Collective action filed by the Parties, in accordance with the proposed settlement agreement covering both cases, the within cases are hereby consolidated as a collective action. Further, the parties shall conduct a telephonic status conference with the Court on June , 2006 for the purpose of discussing the necessary filings and hearings to accomplish the proposed settlement.

IT IS SO ORDERED.

JUDGE – KATHLEEN M. O'MALLEY